

Message Text

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11

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FM SECSTATE WASHDC

TO AMEMBASSY TANANARIVE

INFO USMISSION GENEVA

UNCLAS STATE 175893

E.O. 11652: N/A

TAGS: SNAR, ECOSOC, MA

SUBJECT: SINGLE NARCOTICS DRUGS CONVENTION AND PROTOCOL
OF AMENDMENT

REF: TANANARIVE A-093, JULY 10

1. AS MALAGASY REP HAS SIGNED BOTH SINGLE CONVENTION AND PROTOCOL OF AMENDMENT, APPROPRIATE PROCEDURE FOR GIVING HER CONSENT TO BE BOUND (BECOMING A PARTY) IS BY DEPOSIT OF INSTRUMENT OF RATIFICATION OF THE CONVENTION AND PROTOCOL WITH UN SECRETARY-GENERAL.

2. ARTICLE 40 OF SINGLE CONVENTION PROVIDES IN PARA 1 THAT IT IS SUBJECT TO RATIFICATION. PARA 3 OF THAT ARTICLE REGARDING ACCESSION IS INTENDED TO APPLY ONLY TO STATES THAT HAVE NOT SIGNED.

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3. ARTICLE 17 OF PROTOCOL OF AMENDMENT PROVIDES IN PARA 2

THAT "THIS PROTOCOL IS SUBJECT TO RATIFICATION BY STATES WHICH HAVE SIGNED IT AND HAVE RATIFIED OR ACCEDED TO THE SINGLE CONVENTION. THE INSTRUMENTS OF RATIFICATION SHALL BE DEPOSITED WITH THE SECRETARY-GENERAL." PARA 4 OF THAT ARTICLE PROVIDES THAT "THIS PROTOCOL SHALL BE OPEN AFTER 31 DECEMBER 1972 FOR ACCESSION BY ANY PARTY TO THE SINGLE CONVENTION WHICH HAS NOT SIGNED THIS PROTOCOL. THE INSTRUMENTS OF RATIFICATION SHALL BE DEPOSITED WITH THE SECRETARY-GENERAL."

4. ACCORDING TO THE UN PUBLICATIONS AND NOTIFICATIONS RECEIVED BY THE DEPT FROM THE UN, ALL STATES THAT HAVE BECOME A PARTY TO THE CONVENTION OR THE PROTOCOL BY ACCESSION ARE STATES THAT HAD NOT SIGNED THE CONVENTION OR PROTOCOL.

5. IF, NOTWITHSTANDING THE PROVISIONS OF THE CONVENTION AND OF THE PROTOCOL REGARDING RATIFICATION AND THE INTERNATIONAL PRACTICE OF RATIFICATION WHERE A STATE HAS SIGNED A CONVENTION OR PROTOCOL THAT IS SUBJECT TO RATIFICATION, THE MALAGASY REP PREFERS TO ACCEDE, IT WOULD SEEM ADVISABLE THAT IT INQUIRE OF THE UN SECRETARIAT WHETHER AN INSTRUMENT OF ACCESSION WOULD BE ACCEPTED WHERE A STATE HAD SIGNED THE CONVENTION AND PROTOCOL.

6. DEPT IS GRATIFIED THAT MALAGASY REP IS MOVING AHEAD WITH PROCEDURES TO BECOME PARTY TO CONVENTION AND PROTOCOL AND EARNESTLY HOPES IT WILL FOLLOW THE MOST EXPEDITIOUS METHOD, WHICH IN THIS CASE WOULD APPEAR TO BE DEPOSIT OF AN INSTRUMENT OF RATIFICATION. RUSH

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